



Los derechos sucesorios del viudo en Vizcaya y Ayala (II): La extinción del usufructo viudal legal. Otros derechos de usufructo en favor del viudo: el usufructo universal... [

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text (article)

Analítica

Inside the wide range of Civil Laws which live together in Spain, the Basque regulations are the model for those authors who think that the Marriage Economic Systems of separating goods use to be accompanied by wide inheritance rights for the widow, whereas in those Marriage Economic Systems with community goods, the mortis causa rights do not exist, or they are fewer because the protection against their hypothetical needy situation can be obtained through the community goods system. This is the Basque Country case where a Legal Marriage Economic System of common goods, known as "comunicación foral de bienes", is ruled. The existence of this system which gives the spouses enough tools for ruling the family in case of marriage dissolution -above all if this is caused by the death of one of its partners and there are offspring- justifies that widow rights of use and enjoyment don't require to be so extensive that Navarrian's or Aragonian's, in order to achieve an adequate protection to the widow. Therefore this research tries to analyse with intensity, the right content of the legal use and enjoyment established in the Basque Country Law, its requirements, the enjoyable goods and its extinction. Furthermore other widow rights of use and enjoyment written in the Law are analysed, like the Full Enjoyment that the Power of Will (the so-called "poder testatorio") provides with, the powerful right of use and enjoyment of the Ayala Law (the so-called "usufructo poderoso del Fuero de Ayala") and the legacy of the Full Enjoyment

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